

1 UNITED STATES DISTRICT COURT
2 DISTRICT OF NEVADA

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5 LAUSTEVEION JOHNSON,
6 Plaintiff,

7 vs.

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9 GAROFALO, *et al.*,
10 Defendants.

2:16-cv-01889-GMN-VCF

ORDER

MOTION TO REVOKE PLAINTIFF’S LEAVE TO
PROCEED *IN FORMA PAUPERIS* (ECF No. 23)

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13 Now before the Court is Defendants’ Motion to Revoke Plaintiff’s Leave to Proceed *In Forma*
14 *Pauperis* (ECF No. 23), Plaintiff’s response (ECF No. 26), and Defendants’ reply (ECF No. 29). For the
15 reasons discussed below, Defendants’ motion is granted.

16 Under the Local Rule of Practice for the United States District Court of Nevada, “[T] Court
17 may...revoke leave to proceed *in forma pauperis* if the party to whom leave was granted becomes capable
18 of paying the complete filing fee.” LSR 1-5. In this case, subsequent to Plaintiff filing his application to
19 proceed *in forma pauperis*, Plaintiff received a \$25,000 settlement award. (ECF No. 23 at 2). Records
20 indicate Plaintiff currently has over \$3,000 in his trust accounts. Therefore, Plaintiff is capable of paying
21 the complete filing fee.

22 Accordingly, IT IS HEREBY ORDERED that the Motion to revoke Plaintiff’s leave to proceed *in*
23 *forma pauperis* (ECF No. 23) is GRANTED.

24 IT IS FURTHER ORDERED that Plaintiff has until October 27, 2017 to pay the complete filing
25 fee. Failure to timely pay the filing fee will result in a recommendation for dismissal without prejudice.

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NOTICE

Under Local Rule IB 3-2, any objection to this Order must be in writing and filed with the Clerk of the Court within 14 days. The Supreme Court has held that the courts of appeal may determine that an appeal has been waived due to the failure to file objections within the specified time. (*See Thomas v. Arn*, 474 U.S. 140, 142 (1985)). This circuit has also held that (1) failure to file objections within the specified time and (2) failure to properly address and brief the objectionable issues waives the right to appeal the District Court's order and/or appeal factual issues from the order of the District Court. (*See Martinez v. Ylst*, 951 F.2d 1153, 1157 (9th Cir. 1991); *Britt v. Simi Valley United Sch. Dist.*, 708 F.2d 452, 454 (9th Cir. 1983)).

Pursuant to LSR 2-2, the Plaintiff must immediately file written notification with the court of any change of address. The notification must include proof of service upon each opposing party or the party's attorney. **Failure to comply with this Rule may result in dismissal of the action.** (*See* LSR 2-2).

IT IS SO ORDERED.

DATED this 25th day of September, 2017.



CAM FERENBACH
UNITED STATES MAGISTRATE JUDGE